Unopposed Debtor Bankruptcy Submissions on Inability to Pay and Trustee

Educational sample 320 | Mombasa

Educational reconstruction from a reported Kenyan decision. Newly drafted wording, not an original court filing or a matter handled by our team. Specimen identities are bracketed. Adapt to genuine facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE HIGH COURT AT MOMBASA

BANKRUPTCY PETITION NO [reference]

IN THE MATTER OF [INDIVIDUAL DEBTOR] AND THE INSOLVENCY ACT

WRITTEN SUBMISSIONS

1. The Petitioner seeks the initial bankruptcy relief on the disclosed financial position and proved compliance with the applicable procedure. The absence of opposition is relevant to the hearing record but does not relieve the Petitioner of truthful and complete disclosure.

2. The genuine statement, debts, assets and income evidence at [pages] establish the claimed inability to pay. Historic demands are reconciled to current balances, and disputed or secured liabilities are identified rather than merged into one unexplained total.

3. The illness and resulting loss of work are supported by the actual medical and financial records. The petition seeks the statutory bankruptcy process; a distressing personal circumstance does not by itself justify ignoring assets or the interests of creditors.

4. The required notice and service steps are proved by [publication and service records], with the Court directions and any received responses identified. Submissions cannot create a missing Gazette notice, creditor service or supporting affidavit.

5. In re Mutura [2026] KEHC 4326, paragraphs 9–13, made the bankruptcy order and appointed the Official Receiver or nominee on the proved inability to pay. That initial relief must be distinguished from later discharge and the trustee administration of property.

6. The Petitioner asks for the legally supported bankruptcy order and trustee appointment, with appropriate directions. No blanket exemption of property, cancellation of every debt or permission to dispose of estate assets is requested through this submission.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected person and address].

Use and evidence notes

Identify pleaded issues, admitted evidence and genuine record pages. Follow directions on length, authorities, filing and service. Submissions do not introduce exhibits or cure missing substantive prayers. Distinguish what a party sought from what the Court ordered, and an unsuccessful historical position from the actual holding. Apply the relevant personal-bankruptcy or corporate-liquidation provisions and prescribed procedure, rather than treating every insolvency application as an ordinary civil motion.

Supporting material: [date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach genuine records only. This public specimen contains no exhibits, signatures, personal identifiers or sworn declaration.

Source and procedural limits

A trader petitioned for his own bankruptcy after a dispute over six repaired lorries and a demand for Kshs 6.2 million. Illness prevented work and further treatment required borrowing. The petition was supported by an affidavit and public notices; creditors did not oppose it.

The Court adjudged the petitioner bankrupt and appointed the Official Receiver or a nominee as bankruptcy trustee. It found inability to pay the debts on the evidence and notices. The judgment did not grant an immediate discharge from every debt or an unrestricted licence to deal with estate property.

Personal bankruptcy is governed by Part III of the Insolvency Act and the applicable Regulations, not company-liquidation forms. Complete assets, liabilities, creditors, security and income disclosure is necessary. Illness must be supported by genuine evidence; non-opposition does not excuse inaccurate disclosure. A bankruptcy order, appointment of trustee, treatment of particular assets or debts and later discharge are different questions.

[2026] KEHC 4326 (KLR) - 5 March 2026. Source decision: https://sheriahub.com/cases/ke/caselaw/in-re-mutura-2026-kehc-4326-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/in-re-mutura-2026-kehc-4326-klr

The original decision may identify participants. The specimen brackets identifying details. A source judgment does not prove this reconstruction was filed, an allegation succeeded, a later order remains unchanged or the same result will follow in another case.